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## TOWN OF SIDNEY

### MINUTES OF REGULAR COUNCIL MEETING Monday, June 10, 2019 Council Chambers 7:00 p.m.

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**PRESENT:** Mayor C. McNeil-Smith  
Councillors: S. Duncan, B. Fallot, S. Garnett, T. O'Keeffe, C. Rintoul and P. Wainwright

**Staff:** R. Humble, Chief Administrative Officer  
A. Hicik, Director of Corporate Services  
J. Clary, Director of Engineering  
B. Mikkelsen, Fire Chief  
A. Verhagen, Senior Manager of Current Planning  
C. Newcomb, Senior Manager of Long Range Planning  
M. van der Linden, Manager of Special Projects  
B. Robinson, Manager of Public Works & Parks  
S. Nelson, Corporate Officer

The Mayor respectfully acknowledged that this evening's meeting is being held on the traditional territory of the WSÁNEĆ people.

#### 1. **CALL TO ORDER / PUBLIC PARTICIPATION PERIOD (maximum 20 minutes) / INTRODUCTIONS / PRESENTATIONS / PUBLIC HEARINGS**

The Mayor called the meeting to order at 7:00 p.m.

##### **A. PUBLIC PARTICIPATION**

1. **J. Blair, 2312 Henry Avenue** - referring to item 11b, expressed concerns regarding the request to sell watercolor paintings at Beacon Park, noting there is not a shortage of vending outlets in the community, and encouraged Council to keep the public park free from private commerce.
2. **D. Gelinas, 2545 Oakville Avenue** - referring to item 12a, stated looks forward to Council's discussion regarding the Final Report on the Economic Development Pilot Project and made the following comments: 1. Project Area - only included the downtown core business district; 2. Results - important to have benchmarks for qualitative results; 3. Window Wrapping - to be funded by property owners, not taxpayers; and 4. Town's Website - a really good marketing tool for Sidney and need to look at how to improve it.
3. **N. Keating, 2351 Amherst Avenue** - requested Council to consider allocating funds for the installation of curbs and sidewalks in this area of Fifth Street and the side streets, noting a public safety issue.
4. **D. Calveley, 9655 First Street** - referring to item 11b, stated did not support the sale of goods at a public park.

Public Participation Period closed at 7:10 p.m.

##### **B. PRESENTATION**

- i. **Request for Street Vending Licence - Sale of Watercolor Paintings**  
(see Staff Report - item 11b)

Donna McNeely requested Council's approval to allow her to sell her watercolor paintings from a small table (4ft x4ft) at Beacon Park. She advised she would only take up a small area southeast of the Park's bandstand for 2 hours on Saturday and Sunday during the summer weekends. Ms. McNeely noted she is retired, enjoys painting and wants to bring art to the people.

**ii. Economic Development Pilot Project - Final Report**

*(see Other Reports - item 12a )*

Susan Simokso, President of SBIA, was pleased to present the final report on their Economic Development Pilot Project which focused on addressing the key concerns identified by local businesses: 1. attracting new employees; 2. attracting new businesses; and 3. providing a one-stop information service for prospective entrepreneurs and business owners.

Donna Petrie, Executive Director of SBIA, advised the theme Start-Up in Sidney was created for the project and the following initiatives were undertaken:

1. Job Bank - creation of a free on-line job bank for local employers;
2. Marketing - via print, digital, etc. and window wrapping on vacant store fronts;
3. One-Stop Shop - creation of microsite and providing one point of contact for entrepreneurs interested in opening a business in Sidney.

She provided a summary of the results of the initiatives, which included over 70 job postings on the on-line job bank, over 2,000 visits to the microsite, 10 new business opened/applied for business licenses, significant amount of earned media and individual testimonials.

Ms. Simosko noted the pilot project implementation period was only for a short term (12 weeks) and encouraged Council to consider the following recommendations: 1. sustain the job bank; 2. maintain the one-stop information service; 3. create a newly configured economic development committee with current business leaders play a key role; and 4. develop an expanded vision for a further business retention and attraction campaign.

**2. APPROVAL OF AGENDA**

2019.25.282 Moved by Councillor B. Fallot, seconded by Councillor C. Rintoul, that the agenda be approved with the following amendments:

1. addition to item 9a - letter from VIRL, dated June 5, 2019;
2. addition to item 10c - revised Minutes of Committee of the Whole Meeting on June 3, 2019; and
3. addition to item 12a - addendum to Economic Development Pilot Project.

**MOTION CARRIED UNANIMOUSLY**

**3. ADOPTION OF MINUTES**

**a. Regular Council Meeting – May 27, 2019**

2019.25.283 Moved by Councillor C. Rintoul, seconded by Councillor B. Fallot, that Minutes of the Regular Council Meeting of May 27, 2019, be adopted as presented.

**MOTION CARRIED UNANIMOUSLY**

**4. BUSINESS NOT COMPLETED AT A PREVIOUS REGULAR MEETING**

**5. BUSINESS ARISING FROM MINUTES *(for information only)***

**6. DELEGATIONS**

**7. PETITIONS**

**8. MAYOR'S REPORT**

The Mayor reported his attendance at the following: 1. June 2- Shaw Centre for the Salish Sea's 10<sup>th</sup> year anniversary celebration (welcoming over 800,000 visitors) and World's Oceans Day; 2. June 2 - Oak Bay Tea Party's Tea Cup Race with other local Mayors; 3. June 6 - Summer Street Market's 20<sup>th</sup> year anniversary celebration; and 4. June 7 - Access Awareness Day's Scooter Rodeo.

## 9. COUNCILLORS' REPORTS

- a. **Councillor B. Fallot** - attended the VIRL Board Meeting on June 1, 2019, and reported on the following: 1. Non-Resident Users - one fee category established; 2. Proposed North Saanich Library at Panorama - still with the Agricultural Land Commission; and 3. Sidney/North Saanich Library - renovations came-in under budget at \$1.5m and grand opening will be held on June 15.

Councillor B. Fallot also advised of the Board's direction to advocate for increased provincial funding for public libraries, noting provincial funding has dropped from 26% to 6%, and encouraged Council to consider the following resolution for submission to UBCM:

2019.25.284 Moved by Councillor B. Fallot, seconded by Councillor S. Garnett:

### RESTORING SUSTAINABLE PROVINCIAL LIBRARY FUNDING LEVELS

*WHEREAS libraries in British Columbia are largely financed by levies paid by local governments, and where Provincial library funding has remained virtually stagnant for the past 30 years,*

*AND WHEREAS libraries in British Columbia provide open and equal public access to vital resources, including the internet, public computers, digital library tools and in-person service from expert staff to provide opportunities for all British Columbians to access knowledge and information and increase literacy in our communities and present informative programmes: including First Nations programmes and material which advance public understanding and reconciliation,*

*THEREFORE BE IT RESOLVED that UBCM strongly encourage the Government of British Columbia to give urgent attention to funding for BC public libraries by adding \$20 million to the BC Provincial Budget for 2020 for allocation to public libraries throughout BC,*

*AND FURTHER THAT the Province be requested to ensure that BC Libraries will henceforth receive Provincial Government financial support at a sustainable level in subsequent years following the 2020 Budget.*

**MOTION CARRIED UNANIMOUSLY**

- b. **Councillor S. Garnett** - attended the Museum Board meeting on June 8 and reported that accumulated donations at the end of May totaled over \$30,000 and that the Museum will be closed from June 16 - 20 to prepare for Chief Dan George Exhibit, which will open on June 21 (opening ceremonies) and run through to September.
- c. **Councillor T. O'Keeffe** - attended the Shaw Centre for the Salish Sea Board Meeting on May 28 and reported on the improvements that have been made with the Town's additional funding (noting 90% of the 12 identified critical maintenance items have been completed) and that the Centre received this year's Jeanette Hughes Accessibility Award.

## 10. COMMITTEE REPORTS

- a. **Emergency Planning Committee - May 22, 2019**

2019.25.285 Moved by Councillor P. Wainwright, seconded by Councillor S. Duncan, that Minutes of the Emergency Planning Committee Meeting of May 22, 2019, be received for information.

**MOTION CARRIED UNANIMOUSLY**

**b. Select Committee to Review the EDC - May 24, 2019**

2019.25.286 Moved by Councillor C. Rintoul, seconded by Councillor P. Wainwright, that Minutes of the Select Committee to Review the EDC Meeting of May 24, 2019, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

**R.1 Terms of Reference for new Economic Advisory Committee**

2019.25.287 Moved by Councillor T. O'Keeffe, seconded by Councillor P. Wainwright, that the Terms of Reference for the new Economic Advisory Committee be approved as presented.

**MOTION CARRIED UNANIMOUSLY**

2019.25.288 Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett that Policy CC-002 - Committees/ Commissions/Boards be amended to reflect the changes made to the Economic Development Commission to a new Economic Advisory Committee.

**MOTION CARRIED UNANIMOUSLY**

**c. Committee of the Whole – June 3, 2019**

Moved by Councillor S. Duncan, seconded by Councillor B. Fallot, that the Minutes of the Committee of the Whole meeting of June 3, 2019 be received.

2019.25.289 Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that Minutes of the Committee of the Whole Meeting of June 3, 2019, be amended as follows:

Item 7a - removal of the following points:

- would like to ensure access for those who need it
- no concern with retail sale of cannabis fronting on Beacon Avenue

**MOTION CARRIED UNANIMOUSLY**

2019.25.290 Moved by Councillor S. Duncan, seconded by Councillor B. Fallot, that the Minutes of the Committee of the Whole meeting of June 3, 2019 be received as amended.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

**R.1 Legalization Options for Recreational Cannabis in Sidney**

Moved by Councillor S. Duncan, seconded by Councillor B. Fallot:

1. That staff bring forward a bylaw to amend Zoning Bylaw No. 2015:
  - a. to allow the retail sale of recreational cannabis within the Downtown Sidney C1 zone (Commercial), excluding businesses fronting onto Sidney Avenue, James White Boulevard and on the streets south of Bevan Avenue;
  - b. to allow the commercial processing and commercial distribution of cannabis in the West Sidney M1 zone (Industrial);
  - c. to exclude the commercial growing of cannabis in Sidney; and
  - d. to exclude the processing, distribution and retail sale of cannabis edible products in Sidney;
2. That staff prepare a draft policy for Council's consideration that would guide the consideration of recreational cannabis licence applications in Sidney;
3. That staff prepare an amendment to Land Use Procedures Bylaw No. 1380 to include an application fee for cannabis-related business licence applications;

4. That staff review and if required bring forward amendments to Business Licence Bylaw No. 2119 and Municipal Ticket Information Bylaw No. 1975 to ensure that these bylaws are consistent with the regulation of cannabis within the Town of Sidney; and
5. That staff bring forward, when the bylaw is presented for Council's consideration, a plan for communication on public awareness of the process for these bylaw and policy changes, including the opportunities for the public to submit their feedback in writing, online and at Council meetings.

2019.25.291

Moved by Councillor C. Rintoul, seconded by Councillor T. O'Keeffe, that item 1a. in the above motion be amended as follows:

1. That staff bring forward a bylaw to amend Zoning Bylaw No. 2015:
  - a. to allow the retail sale of recreational cannabis within the Downtown Sidney C1 zone (Commercial), excluding businesses fronting onto Beacon Avenue, Sidney Avenue, James White Boulevard and on the streets south of Bevan Avenue;

**OPPOSED: Councillors: S. Duncan, B. Fallot, S. Garnett & P. Wainwright  
MOTION DEFEATED: 4:3**

The question was called on the original motion as follows:

2019.25.292

Moved by Councillor S. Duncan, seconded by Councillor B. Fallot:

1. That staff bring forward a bylaw to amend Zoning Bylaw No. 2015:
  - a. to allow the retail sale of recreational cannabis within the Downtown Sidney C1 zone (Commercial), excluding businesses fronting onto Sidney Avenue, James White Boulevard and on the streets south of Bevan Avenue;
  - b. to allow the commercial processing and commercial distribution of cannabis in the West Sidney M1 zone (Industrial);
  - c. to exclude the commercial growing of cannabis in Sidney; and
  - d. to exclude the processing, distribution and retail sale of cannabis edible products in Sidney;
2. That staff prepare a draft policy for Council's consideration that would guide the consideration of recreational cannabis licence applications in Sidney;
3. That staff prepare an amendment to Land Use Procedures Bylaw No. 1380 to include an application fee for cannabis-related business licence applications;
4. That staff review and if required bring forward amendments to Business Licence Bylaw No. 2119 and Municipal Ticket Information Bylaw No. 1975 to ensure that these bylaws are consistent with the regulation of cannabis within the Town of Sidney; and
5. That staff bring forward, when the bylaw is presented for Council's consideration, a plan for communication on public awareness of the process for these bylaw and policy changes, including the opportunities for the public to submit their feedback in writing, online and at Council meetings.

**OPPOSED: Councillors: T. O'Keeffe & C. Rintoul  
MOTION CARRIED: 5:2**

**d. Advisory Planning Commission - June 4, 2019**

2019.25.293

Moved by Councillor P. Wainwright, seconded by Councillor S. Garnett, that Minutes of the Advisory Planning Commission Meeting of June 4, 2019, be received for information.

**MOTION CARRIED UNANIMOUSLY**

Minutes contain recommendation(s) regarding:

**R.1 Development Permit Application No. DP100789 and Development Variance Permit Application No DV100283 (2355 Orchard Avenue)**

(To relax maximum lot coverage in order to construct a small lot, single-family dwelling).

2019.25.294

Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot:

1. That the property owner submit revised architectural and landscape plans addressing Development Permit Guidelines 19.3.3 (use of front yard space), 19.3.5 (pedestrian-oriented streetscape), 19.3.7 (impact of garage doors on street), 19.3.48 (additional parking spaces), and 19.3.49 (parking in the rear yard) by moving the garage to rear of the dwelling and replacing the driveway area in the front with landscaping and outdoor living space, to the satisfaction of the Senior Manager of Current Planning;
2. That, following the receipt of revised plans, owners and tenants in occupation of property within 75m (246ft) of the property at 2355 Orchard Avenue be notified of Development Variance Permit Application No. DV100283 (to relax maximum lot coverage) and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance; and
3. That if Council authorizes the issuance of Development Variance Application No. DV100283, then Development Permit Application No. DP100789 (to permit the construction of a small lot single-family dwelling) be brought before Council for consideration of approval with the following conditions:
  - a. That the property owner shall, prior to the issuance of Building Permit, pay to the Town a deposit in the amount of 115% of the estimated cost to complete the hard and soft landscaping for the development.
  - b. That the property owner shall, prior to the issuance of Building Permit, register a flood hazard covenant on the title of the property referencing the submitted Engineer's report.

**MOTION CARRIED UNANIMOUSLY**

**R.2 APC Reporting to Council**

Councillor P. Wainwright advised that the Minutes of the Commission will now include a section called "report of decision" which is intended to provide Council with specific feedback on the items/issues discussed by the Commission.

**11. STAFF REPORTS**

**a. Agreement - Demolition of Existing Fire Hall Building**

2019.25.295

Moved by Councillor P. Wainwright, seconded by Councillor C. Rintoul, that the Interim Construction Licence Agreement between the Town and FHD Ltd, to allow the developer to demolish the existing Fire Hall building prior to the transaction of sale closing on August 1<sup>st</sup>, 2019, be approved with section 2 - Term being amended as follows:

**Term**

2. This Agreement shall commence on the date of execution of this Agreement by the last of the parties and will expire on the earlier of August 31, 2019 or the date the Purchaser acquires title to the Purchase Area (the "Term"). The Purchaser may commence the Works after the Town's Fire Department vacates the Lands.

**MOTION CARRIED UNANIMOUSLY**

**b. Request for Street Vending License – Sale of Watercolor Paintings**

2019.25.296 Moved by Councillor S. Garnett, seconded by Councillor S. Duncan, that Donna McNeely be granted approval for a Business License to set up a mobile stand for the retail sales of small watercolour paintings at Beacon Park, provided that the business does not operate during the same hours as a community event, which holds a service agreement with the Town, is being held in the park.

**OPPOSED: Mayor C. McNeil-Smith & Councillors: S. Duncan, B. Fallot, S. Garnett, T. O’Keeffe, C. Rintoul & P. Wainwright**  
**MOTION DEFEATED UNANIMOUSLY**

**c. Amendment to Policy DV-014 - Interim Flood Construction Level**

2019.25.297 Moved by Councillor C. Rintoul, seconded by Councillor B. Fallot, that Policy No. DV-014 - Interim Flood Construction Level be approved as amended.

**MOTION CARRIED UNANIMOUSLY**

**d. Update - Outstanding Council Action Items**

2019.25.298 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the staff report dated June 3, 2019, providing a six-month status report on previous, current and ongoing Council action items, be received for information.

**MOTION CARRIED UNANIMOUSLY**

**e. Nell Horth HVAC Replacement.**

2019.25.299 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that the replacement of the HVAC unit at the Nell Horth Room be added to the 2019 Capital budget, with a budget of \$14,000, with funding from the Land Sale Reserve.

**MOTION CARRIED UNANIMOUSLY**

**12. OTHER REPORTS**

**a. Economic Development Pilot Project - Final Report**

2019.25.300 Moved by Councillor S. Garnett, seconded by Councillor C. Rintoul, that the report from the Sidney Business Improvement Area Society (SBIA), dated May 21, 2019, providing the Final Report for the Economic Development Pilot Project, be received for information.

**MOTION CARRIED UNANIMOUSLY**

**13. CORRESPONDENCE**

**a. Letter from City of Maple Ridge Requesting Support for a Resolution on Local Government Autonomy**

2019.25.301 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the letter from UBCM, dated May 28, 2019, providing UBCM’s perspective on the Province’s actions related to an urgent situation in the City of Maple Ridge and matters of local government autonomy, be received for information.

**MOTION CARRIED UNANIMOUSLY**

**14. BYLAWS / DEVELOPMENT PERMITS / VARIANCES / SUBDIVISION**

- a. Development Variance Permit Application No. DV100282 (10455 Allbay Rd)**  
(To relax maximum fence height to allow 2 gates at the single-family dwelling).  
(No written submissions were received).

2019.25.302 Moved by Councillor C. Rintoul, seconded by Councillor T. O'Keeffe, that Development Variance Permit Application No. DV100282 (10455 Allbay Road - to relax maximum fence height to allow 2 gates at the single-family dwelling) be approved.

**OPPOSED: Councillor S. Garnett**  
**MOTION CARRIED 6:1**

**15. NEW BUSINESS**

**16. CORRESPONDENCE FOR INFORMATION**

2019.25.303 Moved by Councillor P. Wainwright, seconded by Councillor B. Fallot, that the following correspondence be received for information:

1. Letter from C. McBride, expressing concerns regarding the Ardwell Storm and Sewer Main Replacement project, dated April 16, 2019. Reply dated June 3, 2019.
2. Letter from City of Colwood, regarding funding for the Victoria Sexual Assault Centre, dated May 15, 2019.
3. Letter from the Saanich Peninsula Folk & Fiddle Festival Society, expressing appreciation for the Town's funding of the 2019 event, dated May 16, 2019.
4. Email from the Bottle Depot, regarding the Ocean Legacy Foundation and their mission to remove plastic pollution from oceans, dated May 16, 2019. Reply dated May 30, 2019.
5. Email from G. Brusset, regarding plaque for the Community Safety Building, dated May 17, 2019.
6. Email from A. Lewis, regarding bicycle racks, dated May 20, 2019.
7. Letter from SPARC BC, regarding Access Awareness Day on June 1, 2019, received May 21, 2019.
8. Letter from District of Metchosin, regarding funding for the Victoria Sexual Assault Centre, dated May 22, 2019.
9. Letter from the District of North Saanich, regarding funding for the Victoria Sexual Assault Centre, dated May 29, 2019.
10. Proclamation: Access Awareness Day on June 7, 2019.

**MOTION CARRIED UNANIMOUSLY**

**17. NOTICES OF MOTION**

**18. MOTION TO GO "IN-CAMERA" (CLOSED MEETING)**

2019.25.304 Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that it is in the opinion of Council that the public interest requires that persons other than members of Council and Officers be excluded from the meeting to consider confidential matters relating to personal and legal issues, pursuant to section 90.1 (a) and (g) of the *Community Charter* and that Council continue the meeting in closed session.

**MOTION CARRIED UNANIMOUSLY**

**19. ADJOURNMENT**

2019.25.305 Moved by Councillor B. Fallot, seconded by Councillor C. Rintoul, that the meeting be adjourned at 9:33 p.m.

**MOTION CARRIED UNANIMOUSLY**